REMARKS

Applicants have carefully reviewed the Office Action dated January 29, 2008. Applicants have amended Claim 1 to more clearly point out the present inventive concept. Reconsideration and favorable action is respectfully requested.

Claims 1 & 2 stand rejected under 35 U.S.C. §102(e) as being anticipated by *Feinleib et al.* ("*Feinleib*"), U.S. Publication No2005/0166257. This rejection is respectfully traversed with respect to the amended claims.

The *Feinleib* reference discloses a system where enhancing content is synchronized with streaming content via pre-announced triggers. The system employs three elements to implement display of the enhancing content: announcements, triggers and data files. The Office Action provides paragraphs [0008], [0022]-[0023], [0031] and [0068] teach "embedding in the broadcast unique information" where, in particular, the "announcement" (paragraphs [0002], [0012] and [0044]) in *Feinleib* is used to teach "inducing the consumer to view the broadcast for later access to a desired advertiser's location on the global network over a PC-based system." The Office Action states: "In particular, Feinleib announces to the client that upcoming enhancing content will be provided *within the instant program*, wherein the upcoming enhancing content may comprise advertisement and/or specific Internet web sites that the consumer may access, see Para [0032-0034, 0079]." *(emphasis added)*. *Feinleib* paragraphs [0032-0034, 0079] read:

> [0032] The enhancing content may be text, graphics, video, pictures, sound, or other multimedia types, as well as applications or other executable code. Examples of enhancing content include trivia questions or games related to the program, advertisements, merchandise or other memorabilia, hyperlinks to similar programs of similar type or starring the same actor/actress, and so on.
>
> [0033] In the implementation described herein, the enhancing content is constructed as a hypertext file, or more particularly as an HTML document (or "Web page") which can be rendered by a browser. The HTML document may include links to other target resources that supply even more content. In concept, the target

> resource can be virtually any type of object-including executable programs, text or multimedia documents, sound clips, audio segments, still images, computers, directories, and other hyperlinks. In most Web pages, hyperlink targets are files that reside on computers connected to the Internet. However, a hyperlink target can also be a particular location within a document, including the document that is currently being rendered, as well as to other files that may be locally stored at the client.
>
> [0034] The primary content provider 22(1) also implements an announcement generator 38 that generates and transmits announcements to notify clients of upcoming transmission of enhancing content. *Through the announcements, the providers tell the clients what data will be served over the network at a given time and how to find that data.*
>
> [0079] *Each time a user tunes a new channel, browser 72 checks the TSS database 82 to see if the new show is interactive (step 108)*. If not (i.e., the "no" branch from step 108), the client simply plays the streaming content (step 110). On the other hand, if the new show is interactive (i.e., the "yes" branch from step 108) and assuming the user has enhancements enabled, the client browser opens a container HTML page 92 and displays a special icon indicating that the show is interactive (step 112). The container page 92 includes the controls and scripts to render the streaming and enhancing content on the display. *(emphasis added)*

However, *Feinleib* does not teach that the announcement is within the same (instant) program as the enhanced content. The operation of *Feinleib* is clearly disclosed in the description of Figure 4 in paragraphs [0078] - [0080], reproduced herein:

> [0078] Meanwhile, the enhancement listener 74 executes in the background to *listen for announcements* that may accompany streaming content. One or more filters 76 register with, and are loaded by, the announcement listener 74 to *filter out unwanted announcements* received in the enhancing content stream (step 104). At step 106, *announcements surviving the filtering process are stored in TSS database 82*. The filter 176 calls a loader (e.g., DLL object) to load the announcement in the TSS database. The selected announcements are stored in correlation with the titles or identities of the streaming content programs to indicate that the programs are interactive.
>
> [0079] *Each time a user tunes a new channel, browser 72 checks the TSS database 82 to see if the new show is interactive (step*

> *108)*. If not (i.e., the "no" branch from step 108), the client simply plays the streaming content (step 110). On the other hand, if the new show is interactive (i.e., the "yes" branch from step 108) and assuming the user has enhancements enabled, the client browser opens a container HTML page 92 and displays a special icon indicating that the show is interactive (step 112). The container page 92 includes the controls and scripts to render the streaming and enhancing content on the display.
>
> [0080] When browser 72 displays an interactive show, the listener 74 *listens on the IP address and port specified in an earlier announcement stored in the TSS database 82 (step 114). The announcement listener 74 monitors the IP stream at the address and port for triggers*. Triggers are sent at specific times during the associated streaming content to cause an action to occur on a client in relation to the streaming content. In this manner, *the enhancing content induced by the triggers is synchronized with the streaming content. (emphasis added)*

Clearly, the *Feinleib* system requires the following operations: 1) listen for announcements; 2) filter unwanted announcements and store desired announcements in TSS database; 3) change channel; 4) listen on separate IP port (channel) for triggers; and 5) triggers synchronize enhanced content. Therefore, *Feinleib* teaches, and is limited to teaching, that the announcement is sent at a separate time, in a separate program. The announcement provides information that directs the system to which channel and/or IP Port and what time the enhanced content will appear. The announcement is not broadcast within the same broadcast program as the enhanced content to which the announcement points. This is clearly different than the inventive concept defined by the presented claims of the instant application.

The Office Action contends that "unique information comprising at least a first portion for inducing the consumer to view the broadcast for later access…" is met by the special icon, indicating that channel is interactive. However, the claims require that the unique information is *embedded* in the broadcast. Accordingly, the claims require that first and second portions of the unique information must be embedded in the broadcast. *Feinleib* teaches, and is limited to teaching, that the client's browser, on the client's system, accesses the TSS database, also on the client's system, to determine if a show is interactive. If the show is interactive, the browser displays the special icon. Clearly, *Feinleib* contains no teaching or suggestion that the special icon is embedded in the broadcast. The icon is merely produced responsive to a presence of the

program in the TSS database, stored on the consumer's computer. This is clearly different than the inventive concept defined by the presented claims of the instant application.

The Office Action has provided the *Feinleib* "announcement" to teach the embedded unique information for inducing the consumer to view the broadcast for later access to a desired advertiser's location on the global network system over a PC-based system. The Office Action then provides the *Feinleib* "special icon" to teach the "unique information … comprising at least a "first portion" for inducing a consumer to view the broadcast for later access. However, the claims recite that the unique information comprises at least a first portion for inducing and a second portion for providing access to a desired advertiser's location. Clearly, the announcement and the special icon are separate elements as the announcement is broadcast in a separate program and the icon is produced by software on the consumer's machine.

In contrast, in the instant application, the consumer watches a broadcast program with unique information embedded therein. During the program, a first portion of the unique information induces the consumer to view the same program for a second portion of the unique information. The second portion of the unique information occurs within the same program and allows the consumer to access the desired advertiser's location at a time proximate to the time at which the second portion of the unique information was received. As such, Applicants believe that *Feinleib* does not anticipate or render obvious Applicant's present inventive concept, as defined by Claims 1 and 2 and, therefore, the withdrawal of the 35 U.S.C. §102(e) rejection is respectfully requested.

Claims 8 & 10 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Feinleib*, in view of *Chernock et al.*, U.S. Patent No. 6,813,776. Claims 8 and 10 depend from, and further limit, Independent Claim 1. These claims are allowable for at least the same reasons as the claim from which they depend. This rejection is respectfully traversed with respect to the amended claims.

Claims 4-5 & 7 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Feinleib*, in view of *Houston*, U.S. Patent No. 6,353,929. Claims 4-5 and 7 depend from, and further limit, Independent Claim 1. These claims are allowable for at least the same reasons as

the claim from which they depend. This rejection is respectfully traversed with respect to the amended claims.

Claims 9 & 11 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Feinleib*, in view of *Chernock et al.*, in view of *Houston*. Claims 9 and 11 depend from, and further limit, Independent Claim 1. These claims are allowable for at least the same reasons as the claim from which they depend. This rejection is respectfully traversed with respect to the amended claims.

Applicants have now made an earnest attempt in order to place this case in condition for allowance. For the reasons stated above, Applicants respectfully request full allowance of the claims as amended. Please charge any additional fees or deficiencies in fees or credit any overpayment to Deposit Account No. 20-0780/PHLY-24,739 of HOWISON & ARNOTT, L.L.P.

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